



Winston Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

San Diego Region

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9174 Sky Park Court, Suite 100, San Diego, California 92123
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis
Governor

February 7, 2002

CERTIFIED MAIL RETURN RECEIPT REQUESTED
7099 3400 0017 1547 5633

Kenneth Dealy
Rancho California Water District
Santa Rosa Water Reclamation Facility
42135 Winchester Rd
Temecula, CA 92589-9017

Dear Mr. Dealy:

AMENDED COMPLAINT NO. R9-2001-0336 FOR ADMINISTRATIVE CIVIL LIABILITY FOR MANDATORY MINIMUM PENALTIES UNDER CWC § 13385 FOR VIOLATIONS OF ORDER NO. R9-1996-0054: NPDES NO. CA0108821 WASTEWATER TREATMENT AND WATER RECLAMATION FACILITY.

**FACILITY: SANTA ROSA WATER RECLAMATION FACILITY
42135 WINCHESTER ROAD, TEMECULA, CALIFORNIA.**

Enclosed find Amended Complaint No. R9-2001-0336 for administrative civil liability with mandatory minimum penalties issued pursuant to Water Code section 13385.

Amended Complaint No. R9-2001-0336 is being issued for twenty-five violations of waste discharge requirements for the following effluent constituents: iron, phosphorus, aluminum, total organic carbon (TOC), total dissolved solids (TDS), nitrogen, and unionized ammonia. These violations were noted during the period from September 2000 through May 2001.

Please be aware that if you intend to waive your right to a hearing before the Regional Water Quality Control Board, San Diego Region, (Regional Board) you must sign and return the attached waiver form. If you do not elect to waive your right to a hearing, a public hearing will be scheduled at the Regional Board meeting on March 13, 2002, at the San Diego Regional Water Quality Control Board Meeting Room, 9174 Sky Park Court, Suite 100, San Diego, California. The meeting is scheduled to begin at 9:00 A.M.

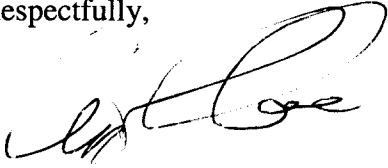
Mr. Kenneth Dealy
Rancho California Water District
Amended Complaint No. R9-2001-0336


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February 7, 2002

If you have any questions, please contact Frank Melbourn of my staff at (858) 467-2973.

Respectfully,



 **JOHN H. ROBERTUS**
Executive Officer

JHR:mja:ftm

File: 01-0601.02

Attachments: 1) Amended Complaint No. R9-2001-0336
2) Waiver of the right to a hearing form

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:)	
)	
RANCHO CALIFORNIA WATER)	AMENDED COMPLAINT
DISTRICT, SANTA ROSA WATER)	NO. R9-2001-0336
RECLAMATION FACILITY)	FOR
)	ADMINISTRATIVE CIVIL LIABILITY
)	
NONCOMPLIANCE WITH)	FEBRUARY 7, 2002
<u>ORDER NO. R9-1996-0054</u>)	

RANCHO CALIFORNIA WATER DISTRICT, IS HEREBY GIVEN NOTICE THAT:

1. Rancho California Water District, is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, California Water Code (CWC), section 13385 et seq.
2. A public hearing on this matter is scheduled before the Regional Board on March 13, 2002, at the San Diego Regional Quality Control Board Office, 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 am. At the hearing, Rancho California Water District will have the opportunity to be heard and to contest the allegations in this Amended Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to Rancho California Water District prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

4. During the period from September 2000 through May 2001, Rancho California Water District violated Order No. R9-1996-0054, Waste Discharge Requirements for the Rancho California Water District Santa Rosa Water Reclamation Facility, Riverside County. Effluent limit exceedances of iron, iron mass emission rate (MER), phosphorus, phosphorus mass emission rate, aluminum, total organic carbon, total organic carbon mass emission rate, total dissolved solids, total dissolved solids mass emission rate, nitrogen, unionized ammonia and unionized ammonia mass emission rate were noted in the Discharger Self-Monitoring Reports.

BACKGROUND

5. The following facts are the basis for the alleged violations in this matter:
Rancho California Water District is approved to discharge effluent water from its Santa Rosa Water Reclamation Facility treatment project to a storm drain under the provisions of Order No. R9-1996-0054. Table 1 (attached) summarizes the discharge limitations set forth in Order No. R9-1996-0054 and the violations by Rancho California Water District during the period in question.
6. Under California Water Code section 13385(c), the maximum administrative civil liability which could be imposed by the Regional Board for the violations described in the Findings of this complaint is ten thousand dollars (\$10,000) for each day in which a violation occurs. For this amended complaint which includes twenty-five (25) violations, the maximum Administrative Civil Liability (ACL) which could be imposed by the Regional Board is two hundred and fifty thousand dollars (\$250,000).

$$\text{MAXIMUM ACL} = 25 \text{ VIOLATIONS} \times \$10,000 = \$250,000$$

7. These exceedances are also violations of California Water Code section 13385(i) and are therefore subject to mandatory minimum penalties. Under California Water Code section 13385(h) and (i), the amount of the mandatory minimum penalty that must be assessed is \$75,000, determined by the following statutes:
 - a. Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period, or, in lieu of the penalty, require the discharger to spend an equal amount for a supplemental environmental project, or to develop a pollution prevention plan.
 - b. Water Code Section 13385(i)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first violation, if the discharger commits two or more serious violations in any six-month period.
 - c. Water Code section 13385(i)(2) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six-month period:
 - Exceeds a waste discharge requirement effluent limitation.
 - Fails to file a report pursuant to Water Code section 13260.
 - Files an incomplete report pursuant to Water Code section 13260.

- Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

Because the first three violations in the first six-month period are classified as chronic, they do not incur penalties, however the remaining 22 violations are assessed \$3,000 per violation, giving a total mandatory minimum penalty of \$66,000. Table 1 provides a visual explanation of these penalties, including references to the applicable section of the California Water Code for each violation.

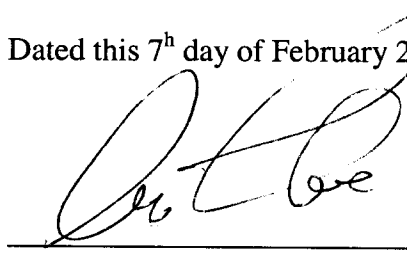
PROPOSED CIVIL LIABILITY

8. Based on consideration of the factors listed in section 13385 of the California Water Code, civil liability should be imposed on Rancho California Water District by the Regional Board in the amount of \$66,000, the amount of the mandatory minimum penalty, for the above violations.

WAIVER OF HEARING

9. Rancho California Water District may waive its right to a hearing. Waiver of the hearing constitutes admission of the validity of the allegation of violations in this Amended Complaint and acceptance of the assessment of civil liability in the amount of \$66,000 as set forth in Paragraph 8. If Rancho California Water District wishes to waive the right to a hearing, an authorized agent must check, sign, and return the waiver form attached to this Amended Complaint. If a hearing is held, comments from Rancho California Water District and interested parties may be considered by the Regional Board in determining the amount of civil liability to assess. Following the hearing, the Regional Board may impose an amount of civil liability other than that proposed in this Amended Complaint or revoke the Amended Complaint and refer the matter to the Attorney General for judicial assessment of civil liability (with higher maximum liabilities for each violation). Please direct questions about this matter to Frank Melbourn at (858) 467-2973.

Dated this 7th day of February 2002



JOHN H. ROBERTUS
Executive Officer

Table 1.

Violation Summary for Rancho California Water District, September 2000 through May 2001.

Date	Violation	Permitted Limit	Reported Value	Pollutant Category	Ratio Reported to Permitted	Serious?	Water Code Section 13385	Penalty
09/06/00	iron daily max conc	0.4 mg/L	0.53 mg/L	1	1.33	Chronic	(i)(1)	\$0
09/06/00	iron daily max MER	6.67 lb/d	8.31 lb/d	1	1.25	Chronic	(i)(1)	\$0
09/06/00	aluminum max at any time	1.0 mg/L	2.4 mg/L	1	2.40	Serious	(h)(1)	\$3,000
09/30/00	30 day avg phosphorus conc	1.0 mg/L	1.1 mg/L	1	1.10	Chronic	(i)(1)	\$0
09/30/00	30 day avg iron conc	0.3 mg/L	0.53 mg/L	1	1.77	Serious	(h)(1)	\$3,000
09/30/00	30 day avg iron MER	5.0 lb/d	8.3 lb/d	1	1.66	Serious	(h)(1)	\$3,000
09/30/00	30 day avg phosphorus MER	16.7 lb/d	17.1 lb/d	1	1.02	Chronic	(i)(1)	\$3,000
12/05/00	TOC daily max	15 mg/L	18 mg/L	1	1.20	Chronic	(i)(1)	\$3,000
12/31/00	30 day avg TOC conc	8 mg/L	10 mg/L	1	1.25	Chronic	(i)(1)	\$3,000
12/31/00	30 day avg TOC MER	134 lb/day	145 lb/day	1	1.09	Chronic	(i)(1)	\$3,000
12/31/00	TOC daily max MER	250 lb/day	263 lb/d	1	1.05	Chronic	(i)(1)	\$3,000
01/14/01	phosphorus daily max	2.0 mg/L	4.5 mg/L	1	2.25	Serious	(h)(1)	\$3,000
01/23/01	TDS daily max	825 mg/L	860 mg/L	1	1.04	Chronic	(i)(1)	\$3,000
01/23/01	TDS MER daily max	13769 lb/d	14357 lb/d	1	1.04	Chronic	(i)(1)	\$3,000
01/31/01	30 day avg TOC	8 mg/L	9 mg/L	1	1.13	Chronic	(i)(1)	\$3,000
01/31/01	30 day avg total phosphorus	1.0 mg/L	1.1 mg/L	1	1.10	Chronic	(i)(1)	\$3,000
03/31/01	TDS monthly avg	750 mg/L	754 mg/L	1	1.01	Chronic	(i)(1)	\$3,000
03/31/01	TOC monthly avg	8 mg/L	9.8 mg/L	1	1.23	Chronic	(i)(1)	\$3,000
04/24/01	daily max TOC MER	250 lb/day	279 lb/D	1	1.12	Chronic	(i)(1)	\$3,000
04/24/01	daily max TOC	15 mg/L	17 mg/L	1	1.13	Chronic	(i)(1)	\$3,000
04/30/01	30-day TOC	8.0 mg/L	9.9 mg/L	1	1.24	Chronic	(i)(1)	\$3,000
04/30/01	30-day TOC MER	134 lb/day	162 lb/d	1	1.21	Chronic	(i)(1)	\$3,000
05/15/01	total nitrogen daily max	8.0 mg/L	8.2 mg/L	1	1.03	Chronic	(i)(1)	\$3,000
05/15/01	unionized ammonia daily max	0.025 mg/L	0.053 mg/L	1	2.12	Serious	(h)(1)	\$3,000
05/15/01	unionized ammonia daily max MER	0.417 lb/d	0.809 lb/d	1	1.94	Serious	(h)(1)	\$3,000

Total Penalty \$66,000

WAIVER OF RIGHT TO A HEARING

IN THE MATTER OF:)	
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RANCHO CALIFORNIA WATER)	AMENDED COMPLAINT
DISTRICT, SANTA ROSA WATER)	NO. R9-2001-0336
RECLAMATION FACILITY)	FOR
)	ADMINISTRATIVE CIVIL LIABILITY
NONCOMPLIANCE WITH)	
ORDER NO. R9-1996-0054)	FEBRUARY 7, 2002

By signing below, I agree to waive my right to a hearing before the San Diego Regional Water Quality Control Board with regards to the violations alleged in the above referenced Amended Complaint and to remit payment within thirty days of the imposition of civil liability. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this Amended Complaint, and against the imposition of, or the amount of, civil liability proposed.

Signature

Title

Date